

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

Laurie Ortolano,)	
Plaintiff,)	
)	
v.)	Civil Action No. 1:22-cv-00326-LM
)	
The City of Nashua, et al.,)	
Defendants.)	
)	

**DEFENDANTS BOLTON AND LEONARD'S REPLY TO PLAINTIFF'S OBJECTION
TO THEIR MOTION TO STRIKE PLAINTIFF'S OBJECTION TO THEIR MOTION
FOR SUMMARY JUDGMENT (OR ALTERNATIVELY, DEEM THEIR MATERIAL
FACTS ADMITTED)**

Defendants Steven A. Bolton, Corporation Counsel for the City of Nashua, New Hampshire, and Celia K. Leonard, Deputy Corporation Counsel for the City of Nashua, New Hampshire, by counsel, in reply to Plaintiff's Objection to their Motion to Strike Plaintiff's Objection to their Motion for Summary Judgment (or, alternatively, deem their material facts submitted), respectfully submit as follows:

1. Rule 56(d) of the Federal Rules of Civil Procedure provides the appropriate procedure for a non-moving party to use, when faced with a Motion for Summary Judgment for which the facts necessary to justify its opposition are unavailable.

2. The Plaintiff did not follow this procedure, and instead, filed an objection that fails to comply with the Rules when she submitted her 24-page Memorandum of Law, document no. 75-1, in support of her objection to the Defendants' Motion for Summary Judgment, accompanied by a 26-page "Affidavit", document no. 75-2.

3. The Defendants were permitted to file their Motion for Summary Judgment at the time they did so, and the timing of Defendants' Motion for Summary Judgment is not an excuse for Plaintiff's failure to adhere to the Local Rules when filing her Objection.

Conclusion

For the foregoing reasons, Defendants Bolton and Leonard respectfully request that their Motion to Strike be granted, or, alternatively, their material facts be deemed admitted.

Respectfully submitted,

Steven A. Bolton and Celia K. Leonard,

By their Counsel,

UPTON & HATFIELD, LLP,

Date: May 29, 2024

/s/ Russell F. Hilliard
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was this day forwarded to all counsel of record through the Court's E-filing system.

/s/ Russell F. Hilliard
Russell F. Hilliard